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10/672,184	09/25/2003	Eduard K. de Jong	SUN-040027	9837
24209	7590	12/30/2008		
GUINNISON MCKAY & HODGSON, LLP			EXAMINER	
1900 GARDEN ROAD			PICH, PONNOREAY	
SUITE 220			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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10672184	9/25/2003	DE JONG, EDUARD K.	SUN-040027
EXAMINER			
PONNOREAY PICH			
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2435	20081120		

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Commissioner for Patents

The reply brief filed on 11/3/08 is entered and forwarded to the Board. The examiner notes appellant states in the reply brief that 37 CFR 41.37 provides for the possibility that grounds may be raised for the first time on appeal by appellant. However, the examiner notes that contrary to appellant's assertions, 37 CFR 41.37(b)(2) clearly states a brief shall not include any new evidence. New arguments is clearly new evidence. This rule is in line with Golden Bridge Technology Inc. v. Nokia Inc., 87 USPQ2d 1049 (Fed. Cir. 2008) which also forbids new arguments being raised on appeal without appropriate justification.

/Ponnoreay Pich/
Examiner, Art Unit 2435